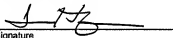


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Timothy M. Swager et al.
Serial No.: 10/823,093
Confirmation No.: 3154
Filed: April 12, 2004
For: EMISSIVE SENSORS AND DEVICES INCORPORATING THESE
SENSORS
Examiner: D. S. Metzmaier
Art Unit: 1796

Certificate of Electronic Filing Under 37 CFR 1.8	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.8(a)(4).	
Dated: September 22, 2008	 Signature

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Non-Compliant Amendment mailed August 20, 2008, Applicant hereby resubmits the election of Group I, claims 32-65 and 81 for continued examination, with traverse. Applicant notes that a response to the Election/Restriction Requirement mailed April 25, 2008, was filed on May 27, 2008, rather than April 23, 2008, as indicated in the Notice of Non-Compliant Amendment.

The Election/Restriction Requirement mailed April 25, 2008 also required an election of species. Applicant hereby elects the structure of claim 52, but further limited whereby A110-119 are hydrogen, Q is nitrogen, and Y is $-\text{CH}_2-\text{Si}(\text{t-Bu})\text{Me}_2$.

While Applicant does not concede that other claims would not also encompass the above-identified species, the following claims appear to form a group commensurate with the elected species for search and examination purposes only: claims 32-38, 40-49, 52-53, 55-65, and 81.

As requested in the Notice of Non-Compliant Amendment, Applicant also includes a list of claims with the proper status identifiers, enclosed herewith as Appendix A.

A first and favorable action is respectfully requested. If, for any reason, the Examiner is of the opinion that a telephone conversation with the Applicant's representative would expedite prosecution, the Examiner is requested to contact the undersigned at 617-646-8000.

Dated: September 22, 2008

Respectfully submitted,

By 

Timothy J. Oyer, Ph.D.

Registration No.: 36,628

Karen V. Martin, Ph.D.

Registration No.: 61,652

WOLF, GREENFIELD & SACKS, P.C.

Federal Reserve Plaza

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

617.646.8000